

Ronald L. Richman, SBN 139189
Susan J. Olson, SBN 152467
Edward D. Winchester, SBN 271500
BULLIVANT HOUSER BAILEY PC
601 California Street, Suite 1800
San Francisco, California 94108
Telephone: 415.352.2700
Facsimile: 415.352.2701
E-Mail: ron.richman@bullivant.com
susan.olson@bullivant.com
edward.winchester@bullivant.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiff,

vs.

INDUSTRIAL COMMERCIAL CONCRETE
CONSTRUCTION, INC., a California
corporation; and JEFFREY J. HUSTON, an
individual,

Defendants.

Case No.: C 14-02061 JSC

**CASE MANAGEMENT CONFERENCE
STATEMENT; ~~PROPOSED~~ ORDER
THEREON**

Date: October 16, 2014
Time: 1:30 p.m.
Ctroom: F, 15th Floor
Hon. Jacqueline Scott Corley

BOARD OF TRUSTEES OF THE CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS VACATION-HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA; AND BOARD
OF TRUSTEES OF THE CEMENT MASONS

Case No.: C 14-02064 JSC

1 TRAINING TRUST FUND FOR NORTHERN
2 CALIFORNIA,

3 Plaintiffs,

4 vs.

5 INDUSTRIAL COMMERCIAL CONCRETE
6 CONSTRUCTION, INC., a California
corporation; and JEFFREY J. HUSTON, an
individual,

7 Defendants.

8
9 Plaintiffs Laborers Trust Funds provide this updated case management statement.

10 On May 6, 2014, Plaintiffs Laborers Trust Funds filed their Complaint for Damages for
11 Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions, For
12 Breach of Fiduciary Duty and for a Mandatory Injunction ("Complaint") before this Court.
13 Plaintiffs seek to recover fringe benefit contributions due and owing on behalf of Industrial
14 Commercial Concrete Construction, Inc.'s covered employees.

15 On May 6, 2014, the Cement Masons Trust Funds filed their Complaint for Damages for
16 Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions, For
17 Breach of Fiduciary Duty and for a Mandatory Injunction ("Complaint") in Case No. C 14-
18 02064 DMR. Plaintiffs Cement Masons Trust Funds seek to recover fringe benefit
19 contributions due and owing on behalf of Industrial Commercial Concrete Construction, Inc.'s
20 covered employees.

21 The Laborers Trust Funds and Cement Masons Trust Funds are located in the same
22 building and share the same auditor and management of their respective collections
23 departments. The two Trust Funds are jointly administered. On July 31, 2014, an
24 Administrative Motion to Relate Cases was filed. On August 21, 2014, the Administrative
25 Motion to Relate Cases was granted and these two cases were assigned to this Court.

26 ///

27 ///


28 ///

1 Since filing both Complaints, Plaintiffs made several attempts to locate and serve
2 defendants. Plaintiffs have not been able to locate and serve defendants. On September 24,
3 2014, Plaintiffs Laborers Trust Funds filed their Motion to Serve Defendants by Publication.
4 Hearing on the Motion is set for November 6, 2014.

5 Based on the above, Plaintiffs Laborers Trust Funds respectfully request that this Court
6 continue the October 16, 2014 Case Management Conference until after the hearing on the
7 November 6, 2014 Motion to Serve Defendants by Publication.

8 DATED: October 7, 2014

9 BULLIVANT HOUSER BAILEY PC

10
11 By 
12 Ronald L. Richman

13 Attorneys for Plaintiffs
14

15 **ORDER**

16 Based on the Plaintiffs' request to continue the case management conference and good
17 cause appearing,

18 IT IS HEREBY ORDERED that the October 16, 2014 case management conference be
19 continued to November 20, 2014 at 1:30 p.m., Courtroom F, 15th Floor. Plaintiffs shall
20 file an updated case management conference statement no later than seven (7) days prior to the
21 continued case management conference.

22 DATED: October 14, 2014

23
24 By: 
25 HON. JACQUELINE SCOTT CORLEY
26 UNITED STATES MAGISTRATE JUDGE
27

28 15259267.1